

Message Text

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FOR PROF BERNARD H OXMAN

FOLLOWING REPEAT ANKARA 4815 SENT ACTION SECSTATE INFO ATHENS
USNATO USUN COPENHAGEN LONDON JUN 29, 1978

QUOTE: LIMITED OFFICIAL USE ANKARA 4815

E.O. 11652 N/A
TAGS: PLOS, PEPR, TU, GR
SUBJ: TURKISH VIEWS ON PROSPECTS FOR RESUMED SEVENTH SESSION
OF LOS CONFERENCE

REFS: (A) ANKARA 2838 (B) ANKARA 4306 (C) STATE 151055
(D) STATE 154315 (E) STATE 161269

1. SUMMARY: EMBOFFS CONVEYED DEPARTMENT'S ANSWER
TO MFA QUESTION ON US INITIATIVES IN LOS CONFERENCE.
MFA OFFICER EXPRESSED TURKEY'S UNALTERED OPPOSITION
TO COMPULSORY DELIMITATION DISPUTE SETTLEMENT AND TO
ACCEPTANCE OF PRESENT REGIME OF ISLANDS. EMBASSY SUGGESTS
ISSUANCE OF EITHER REVISED MAP ON NODULE DEPOSITS OR
IMPROVED KEY TO PRESENT MAPS. END SUMMARY.

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2. IN JUNE 27 CALL ON SUHA UMAR, MFA SECTION
CHIEF IN CHARGE OF LOS MATTERS, EMBOFFS, DRAWING
ON REF D, DESCRIBED BACKGROUND OF SOHN'S INITIATIVES
IN GENEVA TO SEEK COMPROMISE WORDING FOR SECTIONS ON
SETTLEMENT OF DELIMITATION DISPUTES. UMAR EXPRESSED HIS
GRATITUDE FOR OUR RESPONSE TO HIS QUESTION AND SAID

THAT, WHILE IT MERELY CONFIRMED MFA SURMISES, IT WAS GOOD TO HAVE CONFIRMATION.

3. DURING EMBASSY PRESENTATION ON UPCOMING RESUMED SESSION OF THE LOS CONFERENCE. BASED ON REF C, UMAR OBSERVED THAT IF NEGOTIATING GROUP 3 (NG-3) CHAIRMAN ENGO DOES MOVE ON TO THE SUBJECT OF DISPUTE SETTLEMENT, ONE CAN EXPECT A LARGE AMOUNT OF IMPASSIONED RHETORIC FROM HIM (ENGO) ON THE SUBJECT. AGREEING THAT NG-5 CHAIRMAN STAVROPOULOS HAD SUCCEEDED IN ACHIEVING A CONSENSUS ON ALL THE MAIN ISSUES FACING HIS GROUP, UMAR SAID THAT THAT CONSENSUS WAS IN LINE WITH TURKISH VIEWS. HE EXPRESSED PUZZLEMENT OVER WHY TURKEY HAD INITIALLY OBJECTED TO STAVROPOULOS AS CHAIRMAN, NOTING THAT, WHILE STAVROPOULOS HAS TO A CERTAIN EXTENT AN ANTAGONISTIC PERSONALITY, HE HAD BEEN VERY SKILLFUL AT ACCOMPLISHING THE WORK AT HAND.

4. ON THE SUBJECT OF DELIMITATION OF OPPOSITE AND ADJOINING CONTINENTAL SHELVES AND ECONOMIC ZONES, UMAR AGREED THAT TURKEY CAN ACCEPT THE PRESENT WORDING OF PARA. 1 (DELIMITATION) 8, -45 . 74 AND 83 BUT SAID THE TURKS WOULD CONTINUE TILL THE END TO TRY TO OBTAIN IMPROVEMENT IN THE WORDING. REGARDING DISPUTE SETTLEMENT (PARA. 2), HOWEVER, THE TURKS REMAIN ADAMANTLY OPPOSED TO THE WORDING OF THE PRESENT TEXT LIMITED OFFICIAL USE

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AND TO THE WHOLE CONCEPT OF COMPULSORY SETTLEMENT OF SUCH DISPUTES. TURKEY'S INTERESTS IN THE AEGEAN ARE OF TOO VITAL A NATURE TO BE GIVEN TO AN EXTERNAL BODY FOR DECISION, HE SAID; FURTHERMORE, IN THE ABSENCE OF GENUINE BASIC NEGOTIATIONS BETWEEN GREECE AND TURKEY, IT WAS NOT EVEN CLEAR WHAT QUESTIONS WOULD BE GIVEN TO THE ADJUDICATING AGENCY. HE COMMENTED THAT GREECE FROM THE BEGINNING HAS WANTED TO TAKE THE AEGEAN ISSUE TO THE WORLD COURT WITHOUT ADVANCE BILATERAL NEGOTIATIONS, WHEREAS TURKEY HAS INSISTED THAT MEANINGFUL NEGOTIATIONS MUST FIRST BE HELD TO NARROW AND DEFINE THE OUTSTANDING ISSUES OR, PREFERABLY, TO ELIMINATE THEM. THE PRESENT PROVISIONS WOULD BE USED BY THE GREEKS AS A JUSTIFICATION OF THEIR POSITION AND WOULD ENSURE THAT THEY WOULD NEVER NEGOTIATE SERIOUSLY. UMAR EXPRESSED THE OPINION THAT PRESENT GREEK UNWILLINGNESS TO NEGOTIATE THE AEGEAN SEABED ISSUE WAS BASED ON THEIR BELIEF THAT A LAW OF THE SEA TREATY WITH PROVISIONS FOR COMPULSORY DISPUTE SETTLEMENT WILL ULTIMATELY EMERGE FROM THE LOS CONFERENCES; THIS IS A MISGUIDED HOPE, SINCE IN THAT EVENT TURKEY WOULD EITHER REJECT THE RELEVANT PROVISIONS OR THE TREATY AS A WHOLE. HE FURTHER STATED THE MFA VIEW

THAT IF THE LOS TREATY PROVIDES FOR OUTSIDE ADJUDICATION OF DELIMITATION DISPUTES ONLY WITH THE CONSENT OF CONCERNED PARTIES, THE GREEKS WILL FINALLY AGREE TO NEGOTIATE SERIOUSLY ON THE AEGEAN. (COMMENT: ALTHOUGH MOST OF UMAR'S PRESENTATION ON THIS ISSUE WAS STANDARD MFA LINE, THEORY OF CONNECTION BETWEEN LOS TREATY AND GREEK ATTITUDE TOWARD NEGOTIATIONS APPEARS TO BE NEW ELEMENT.)

5. UMAR CAUTIONED THAT USG SHOULD NOT BELIEVE THAT COMMITTEE II'S WORK CAN BE WRAPPED UP WITHOUT MAJOR CHANGES IN THE SECTIONS ON SEMI-ENCLOSED SEAS (PART IX) AND THE REGIME OF ISLANDS (ART. 121). (SEE REF A FOR FULL EXPOSITION OF TURKISH VIEWS.) SHOULD THE PRESENT REGIME OF ISLANDS BE ACCEPTED, UMAR SAID, LIMITED OFFICIAL USE

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"IT WOULD NOT BE APPLIED ANYWHERE" BECAUSE IT HAS BEEN SUPERCEDED BY DEVELOPMENTS IN INTERNATIONAL LAW, NOTABLY THE JULY, 1977, CHANNEL ISLANDS DECISION. HE REJECTED EMBOFF'S SUGGESTION THAT NEW LOS TREATY WOULD TAKE PRECEDENCE OVER PRIOR INTERNATIONAL LAW, ARGUING THAT THE JUDGES INVOLVED IN THE CHANNEL ISLANDS DECISION HAD BEEN AMONG THE MOST INFLUENTIAL ON THE WORLD COURT, AND MADE IT CLEAR THAT TURKEY, AT LEAST, WOULD CONSIDER THE PRESENT TEXT'S REGIME OF ISLANDS LEGALLY INAPPLICABLE.

6. ALONG WITH UMAR, EMBOFFS EXAMINED HIS COPY OF LAMONT-DOHERTY MAP OF OCEANIC NODULE DEPOSITS. REF D'S OBSERVATION THAT "ONE MUST STUDY THE MAP RATHER CLOSELY IN ORDER TO DISTINGUISH BETWEEN MINEABLE AND UNMINEABLE DEPOSITS" IS AN UNDERSTATEMENT, WE BELIEVE. WE RECOMMEND THAT DEPARTMENT CONSIDER DISTRIBUTION TO MAP RECIPIENTS OF EITHER REVISED MAP OR KEY WHICH WILL ENABLE LAYMEN TO MAKE THIS IMPORTANT DISTINCTION, WHICH IS LIKELY TO HAVE BEARING ON SOME PARTICIPANTS' OUTLOOK ON IMPORTANT ASPECTS OF THE LOS NEGOTIATIONS. SPIERS UNQUOTE VANCE

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